IN THE HIGH COURT OF JUDIATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CONTEMPT PETITION NO.364 OF 2006

Ajit Sauba Sule & Ors. .. Petitioner.

Vs.

R.P.Bhatia and/or his successor as Chairman/ Managing Director, M/s.Mather & Plat Pumps Ltd. & Anr. .. Respondents.

Mr.Ameya Tamhane i/b Ms.Seema Sarnaik for the Petitioner.

Mr.C.U.Singh, Sr.Counsel with Mr.Ankit Mehta i/b Haresh Mehta & Co. for the Respondents.

CORAM : A.S.OKA, J.
DATED : 11TH JUNE, 2007

P.C.:

. Heard Advocates for the parties. Perused the affidavit dated 5th June, 2007 filed by the contemnor. In paragraph 3 of the said affidavit, it is stated:-

> "3. I say that the Respondent Company has issued letters dated 27/04/2007 to each of the Petitioners inter-alia informing therein, their place in the seniority list, which is maintained by

> the Respondent Company as per clause 4(D) of the Model Standing Orders. Hereto annexed and marked Exhibit "B" are copies of the said letters alongwith an acknowledgement thereon."

2. In paragraph 4 of the affidavit, it is stated that the contemnor has also addressed a letter to the Advocate for the Petitioner inter-alia enclosing therewith copies of the letters addressed by the Respondent Company to the individual Petitioners informing therein their status in the seniority list. There is no dispute about the averments made in paragraphs 3 and 4 of the said affidavit.

3. The learned counsel appearing for the Petitioner has invited my attention to the order dated 6.12.2005 passed by this Court in Civil Application No.1844 of 2005. He placed reliance on the said order by contending that this Court has directed the first Respondent to supply the seniority list.

4. The order dated 6.12.2005 reads thus:-

> "At this stage, no orders are necessary. It would be open for the applicant to move respondent No.1 to get seniority list as per directions issued by the Industrial Court. Needless to mention that in the event of such approach, it would be obligatory on the part of the Respondent No.1 to supply seniority list as per directions issued by the Industrial Court."

5. On a plain reading of the said order, it is obvious that the said order will have to be read as order directing the first Respondent to comply with directions issued by the Industrial Court. The said order cannot be read to mean that this Court has modified the directions issued by the Industrial Court and has directed the first Respondent to supply seniority list. In any event, it cannot be said that there is any deliberate or willful disobedience of the order on the part of the first Respondent.

6. Hence, notice issued to the first Respondent is

discharged. It is made clear that this order will not preclude the Petitioners from taking out appropriate proceedings.

(A.S.OKA, J.)